

9

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CTB
DYLAN JOHN EARICK,
Plaintiff,

-V-

CHRIS SWANSON,
MICHAEL TOCARCHICK,
JASON GOULD,
SGT. BROCK,
GENESEE COUNTY JAIL,
Defendants.

Case: 2:21-cv-10184
Judge: Hood, Denise Page
MJ: Altman, Kimberly G.
Filed: 01-11-2021 At 03:10 PM
PRIS DYLAN JOHN EARICK V CHRIS SWAN
SON, ET AL (LG)

COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS
(prisoner Complaint)

I. Parties to the Complaint

A) The Plaintiff

1) NAME - Dylan John Earick

ID NUMBER - 183502

CURRENT INSTITUTION - Genesee County Jail

Address - 1002 S. Saginaw St. Flint MI 48502

B) The Defendants

1) NAME - Chris Swanson

JOB/TITLE - Sheriff of Genesee County

EMPLOYER - State of Michigan / Genesee County

ADDRESS - 1002 S. Saginaw St. Flint MI 48502

☒ Individual Capacity ☒ Official Capacity

I. B.) cont.

- 2) NAME - Michael Tocarchick
JOB/TITLE - Under Sheriff
EMPLOYER - State of Michigan / Genesee County Jail
ADDRESS - 1002 S. Saginaw St Flint MI 48502
☒ Individual Capacity ☒ OFFICIAL Capacity
- 3) NAME - Jason Gould
JOB/TITLE - Captain
EMPLOYER - State of Michigan / Genesee County Jail
ADDRESS - 1002 S. Saginaw St Flint MI 48502
☒ Individual Capacity ☒ OFFICIAL Capacity
- 4) NAME - Sgt. Brock
JOB/TITLE -
EMPLOYER - State of Michigan / Genesee County Jail
ADDRESS - 1002 S. Saginaw St. Flint MI 48502
☒ Individual Capacity ☒ OFFICIAL Capacity

II. Basis for Jurisdiction

- A.) Suit against State / local OFFICIALS (a §1983 claim)
B.) Claim of violation of: Due process (5th & 14th amendment),
Cruel & unusual punishment (8th amendment), Equal protection of
the laws (14th amendment), Title 18 USC § 241, Title 18 USC § 242,
Title 18 USC § 1503
C.) N/A
D.) As recorded in the Jails "Kite" system and physical grievance
form, Sgt. Brock on multiple occasions denied the plaintiff, a
pro-per defendant in a Criminal case, access to proper
postage for legal filings as well as copies of necessary
legal documents and legal materials. A physical grievance
form was filed requesting redress of this issue as

II. D.) cont.

the plaintiff was pro-per, Challenging the Condition of his Confinement and preparing for Criminal appeal. Sgt. Brock on behest of Jason Gould denied these requests effectively defying MDOC Policy by citing 6th Circuit Caselaw that did not support their claim thereby committing legal fraud to obstruct legal process and diminish due process inflicting cruel and unusual punishment upon the plaintiff as these necessities are not made available for free or sale by Genesee County Jail nor their Subcontractors (Aramark). As Sgt. Brock is overseen by Jason Gould, Capt. Gould is overseen by Michael Tocarchick, Under Sheriff Tocarchick is overseen by Sheriff Chris Swanson, the checks and balance system of the Chain of Command has failed as all parties agreed effectively conspiring to deprive the plaintiff of his rights under the Color of law, authority and office injuring and delaying his legal process by causing the Genesee County Jail to fail to uphold the MDOC mandated policies.

III. Prisoner Status: ☒ Pretrial Detainee

IV. Statement of Claim

A) N/A

B) The events giving rise to the claims arose in the Genesee County Jail (1002 S. Saginaw St, Flint MI, 48502) on 12/04/20, 12/05/20, 12/09/20.

C) Dates and Approximate times - 12/04/20 .. , 12/05/20 , 12/09/20 approx 7:00pm

D) Underlying Facts - The plaintiff was denied both procedural and substantive due process and equal protection of the laws, effectively exposing him to cruel and unusual punishment due to the criminal actions of the

IV. D.) Cont.

defendants. The Genesee County Jail and its staff committed legal fraud in knowingly providing caselaw citations that did not support their denial, in hopes the plaintiff could not otherwise access them as the defendants refused to supply the legal materials. These actions violated Federal Statutory rights, displaying acts under the Color of law, authority, and office. The actions of the defendants are recorded in the grievance requests of Kiosk Kite System as well as in a physical grievance form.

V. Injuries

- Violations of my inalienable rights
- Hinderance and delay in my legal matters (criminal & civil)
- Induced anxiety
- Induced depression

VI. Relief

- Requesting Federal Criminal Inquiry
- \$400,000.00 for the deprivation of inalienable rights causing damage to my defense and claims legally
- \$100,000.00 for personal suffering and psychological damages due to cruel and unusual punishment
- \$750.00 / day for failure to provide sufficient postage beginning the day of initial denial
- \$750.00 / day for failure to make copies of legal documents beginning the day of initial denial
- \$1000.00 / day for failure to provide legal library beginning

VI.) continued

the day of initial denial

VII. Exhaustion of Administrative Remedies/ Procedures

A) The Claims arose while confined in the Genesee County Jail.

B) The Jail does have a grievance procedure.

C) Yes, the grievance procedure covers my Claims of legal postage and legal action requests.

D) Yes, I filed a grievance at Genesee County Jail.

E) I filed a grievance through the kiosk system. I filed a physical grievance form with Sgt. Brock.

E2) I claimed I was ~~proper~~, challenging the conditions of my confinement, and in preparation of Criminal appeal & needed access to adequate postage for legal filings, a law library to prepare my civil and Criminal matters, and copies made of legal documents and forms.

E3) Immediate denial and legal fraud was the only result yielded.

E4) First the grievance screening process through the kiosk system. then I filed a physical grievance form. Upon request of Step 2 (appeal) of the denial I was denied appeal.

F) N/A

G) N/A

VIII. Previous lawsuits

- I have not had a case dismissed based on the "three strike rule"

⑤

VII.) cont.

A) I have not filed another lawsuit in state or Federal Court dealing with the same facts involved in this action.

B) N/A

C) I have filed another lawsuit relating to the conditions of my imprisonment.

D1) Parties to the previous lawsuit

Plaintiffs - Dylan John Earick, Anthony Michael Butler

Defendants - Gretchen Whitmer, Duncan Beagle, Christopher Swanson

D2) District Court (U.S.), Eastern District of Michigan Southern Division

D3) Docket NO/ Index NO. unknown, awaiting response

D4) Judge assigned unknown

D5) Filed Aprox. December 10th 2020

D6) Case still pending

D7) No result yet

IX. Certification and Closing -

under Federal Rule of Civil procedure 11, by signing below, I Certify to the best of my knowledge, information, and belief that this Complaint: (1) is not being presented for an improper use/purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support, ~~or are~~ or

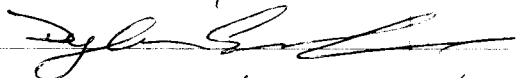
IX cont

if Specifically so Identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the Complaint otherwise complies with the requirements of Rule 11.

A) Party without an Attorney

Date of Signing 01/10/21

- I agree to provide the Clerk's office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's office may result in the dismissal of my case.

Signature of Plaintiff - 

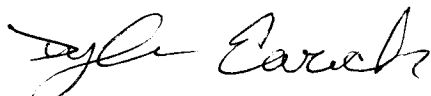
Printed Name of Plaintiff - Dylan John Earick

Prisoner ID No. - 183502

Prison Address - 1002 S. Saginaw St Flint MI 48502

AFFIDAVIT OF INDIGENCY AND APPLICATION
TO PROCEED IN FORMA PAUPERIS

I, Dylan Earick, hereby affirm under
the penalties of perjury that I am
a qualified indigent prisoner with
no current means of income nor any
accumulated savings available to my
person.


Dylan Earick

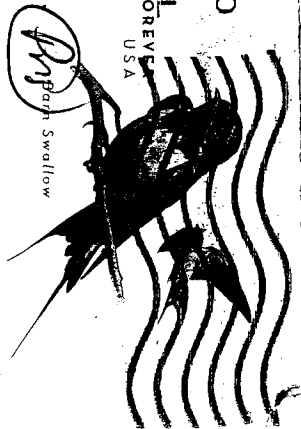
01/10/21

Dylan Earick #183502
1002 S. Saginaw St
Flint MI 48502

METROPLEX MI 480

11 JAN 2021 PM 16L

FOREVER
USA



1/11/21

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
OFFICE OF THE CLERK
Theodore Levin U.S. Court of Appeals
231 W. Lafayette Blvd
Room 564
Detroit, Michigan 48226-1600

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